IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10579 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMBHAI MAHIJIBHAI PATEL

Versus

UNION OF INDIA

Appearance:

MR PRADEEP PATEL for Petitioner No. 1
MR DN PATEL Sr. Central Govt. Standing Counsel for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 07/11/2001

ORAL JUDGEMENT

Rule. Mr. D.N. Patel Sr. Central Govt. Standing Counsel appears on behalf of the respondents and waives service of rule on behalf of the respondents.

2. This petition has been filed for a direction to the respondent authority no. 2 to issue a fresh passport in the name of the petitioner as "Patel Rambhai Mahijibhai" showing his correct birth date as 14-11-1944.

3. It is stated that due to inadvertence the name of the petitioner was not mentioned in the birth certificate issued by the competent authority. The petitioner has already moved an application before the respondent no.2 for the very purpose. But the respondent has not decided the application of the petitioner saying it has no power or authority to issue such fresh passport as prayed for by the petitioner unless and until some order is passed by the competent Court of Law. The petitioner has produced the school leaving certificate as well as birth certificate issued by the competent authority showing the correct date of birth and the name of the petitioner.

4. In the facts and circumstances of this case and considering the submissions made by the learned counsel for the parties as well as material on record, this petition is being disposed of with a direction to the respondent no. 2 to consider and decide the petitioner's application for issuing a fresh passport in the name of the petitioner as "Patel Rambhai Mahijibhai" showing his correct date of birth as 14-11-1944, in accordance with law and on the basis of the material on record including the affidavit, school leaving certificate and birth certificate issued by the competent authority, as early as possible preferably within a period of one month from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent no. 2 authority would be at liberty to pass appropriate order with regard to the costs of the proceed, with no order as to costs.

5. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent, with no order as to costs. D.S. is permitted.

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/JVSatwara/